

**IN THE UNITED STATES DISTRICT COURT**  
**FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. CR 09-3078 JB

JEREMIAH WRIGHT,

Defendant.

**MEMORANDUM OPINION AND ORDER**

**THIS MATTER** comes before the Court on the Defendant's Motion to Produce Favorable Evidence and Request for In Camera Review, filed November 19, 2009 (Doc. 29). The Court held a hearing on February 11, 2010. The primary issue is whether the Court should compel the United States to search for and disclose all evidence favorable to Defendant Jeremiah Wright. For the reasons stated on the record and for further reasons consistent with those stated, the Court will deny the motion without prejudice.

Wright's motion requests the Court to compel a plethora of materials from law enforcement agencies, including: the New Mexico State Police, the Farmington Police Department, the Bloomfield Police Department, the Aztec Police Department, the San Juan County Sheriff's Office, the New Mexico Department of Public Safety, Crime Laboratory Bureau, the Rio Arriba County Sheriff's Office, the Bernalillo County Sheriff's Office, the Federal Bureau of Investigation, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Region II Narcotics Task Force, the Drug Enforcement Administration, the United States Marshal's Office, the United States Attorney's Office, the United States Department of Justice, the United States Bureau of Prisons, the

Immigration and Customs Enforcement Agency, the Eleventh Judicial District Attorney's Office, and any other governmental agencies that participated in investigating Wright. See Motion at 1-2. In response, the United States argues that this motion is a rehashing of Wright's Motion for the Disclosure of Personnel Files and Supporting Authority, filed November 17, 2009 (Doc. 27). See Government's Response to Defendant's Motion to Produce Favorable Evidence and Request for In Camera Review at 1, filed December 22, 2009 (Doc. 44). The United States acknowledges in its response its continuing disclosure duties. See Response at 1.

At the hearing, Dennis W. Montoya, Wright's attorney, argued that this motion is different than Wright's other motions because it requests the Court to direct the United States to do a diligent search of its files for exculpatory evidence. See Transcript of Hearing at 14:3-5 (taken February 11, 2010)("Tr.")(Montoya).<sup>1</sup> He contended that he will be able to assert a more specific motion after he has received discovery from the United States and that he will almost certainly file another motion like this one before the trial. See Tr. at 14:7-11 (Montoya). Assistant United States Attorney Jon. K. Stanford stated that he expects the superceding indictment sometime in March 2010, which has delayed the United States' disclosure of discovery. See Tr. at 9:14-15 (Stanford). He further stated that the United States is committed to conducting a diligent search and disclosure of all evidence that is favorable to Wright, and will faithfully honor its discovery obligations to Wright. See Tr. at 14:16-17 (Stanford).

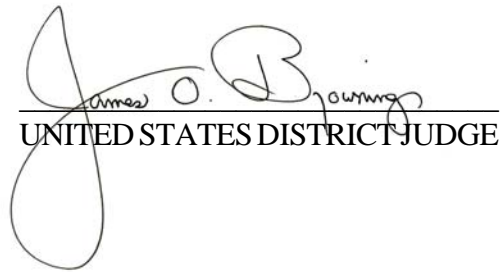
The Court believes, because the United States has not yet produced its discovery, Wright's motion is premature, and that the breadth and scope of the motion is the result of its prematurity. The Court further believes that the United States has been put on notice of its

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<sup>1</sup> The citations to the transcript of the hearing refer to the court reporter's original, unedited version. Any final transcript may have slightly different page and/or line numbers.

obligations, and the Court accepts the United States' representations on the record before the Court that it will faithfully honor its discovery obligations. The Court will deny the motion without prejudice to Wright renewing the motion at the appropriate time if he believes the United States has not complied with its discovery obligations.

**IT IS ORDERED** that the Defendant's Motion to Produce Favorable Evidence and Request for In Camera Review is denied without prejudice to Defendant Jeremiah Wright renewing the motion if appropriate.



UNITED STATES DISTRICT JUDGE

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